

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 3 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KURT BENSHOOF,

Petitioner - Appellant,

v.

WARDEN, King County Jail,

Respondent - Appellee.

No. 25-552

D.C. No.

2:24-cv-01110-JNW

Western District of Washington,
Seattle

ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

This case appears to arise from the denial of a 28 U.S.C. § 2241 petition brought by a state pretrial detainee and thus is subject to the requirements of 28 U.S.C. § 2253(c). *See Wilson v. Belleque*, 554 F.3d 816 (9th Cir. 2009) (state pretrial detainee who seeks relief under section 2241 needs a certificate of appealability).

This case is remanded to the district court for the limited purpose of granting or denying a certificate of appealability at the court's earliest convenience. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

If the district court issues a certificate of appealability, the court should specify the issues that meet the required showing; if the district court declines to

issue a certificate, the court is requested to state its reasons. *See* 28 U.S.C. § 2253(c)(3); *Asrar*, 116 F.3d at 1270.

The clerk will send a copy of this order to the district judge.